

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

WILHEN HILL BARRIENTOS, et al.,

Plaintiffs,

v.

CORECIVIC, INC.,

Defendant.

Civil Action No. 4:18-cv-00070-CDL

**NOTICE OF FILING PLAINTIFFS' OBJECTIONS TO DEFENDANT'S
DEPOSITION DESIGNATIONS AND COUNTER-DESIGNATIONS**

Pursuant to this Court's Order, ECF No. 303, Plaintiffs, through counsel, respectfully submit the following *Notice of Filing Plaintiffs' Objections to Defendant's Deposition Designations and Counter-Designations*.

Plaintiffs' General Objections to Defendant's Designations and Counter-Designations

CoreCivic has designated the testimony of three witnesses and counter-designated extensive testimony of twelve witnesses. Plaintiffs object to CoreCivic's improper designations of depositions by its own current or former employees who, to the best of Plaintiffs' knowledge, may live within the subpoena power of the Court¹—Freddie Hood, Terrance Lane, and Charlie Peterson—as each of those employees was represented by CoreCivic at their depositions, and is within CoreCivic's control and available to CoreCivic. Charles Alan Wright et al., Fed. Prac. & Proc. Civ. § 2146 (3d ed. 2005) (“The rules are based on the premise that live testimony is more desirable than a deposition.”). Accordingly, the exception to the rule against hearsay for unavailable witnesses, FRE 804(b)(1)(A), does not apply, and CoreCivic's designations should be

¹ Plaintiffs requested that CoreCivic notify Plaintiffs about the availability of each witness on the parties' may-call lists that CoreCivic represented at deposition. As of the time of filing, CoreCivic has not provided this information.

excluded. Moreover, CoreCivic cannot rely on Federal Rule of Civil Procedure 32(a)(4) which also governs using the deposition of an unavailable witness upon the court's finding of exceptional factors that CoreCivic has not demonstrated here. *See Jauch v. Corley*, 830 F.2d 47, 50 (5th Cir.1987) ("The burden of showing the witness's unavailability . . . rests with the party seeking to introduce the deposition.").

CoreCivic has also improperly designated as "completeness" testimony under FRE 106 several pages of testimony that are not needed to complete the specific testimony addressed. Plaintiffs object to CoreCivic's deposition designations for the additional reason that the testimony (often of CoreCivic employees) involves a witness speculating as to a Stewart Detention Center rule or procedure, or otherwise testifying to facts not within their personal knowledge. The federal rules permit an adverse party to introduce deposition testimony that "in fairness should be considered with the part introduced." Fed. R. Civ. P. 32(a)(6); *see also* 7 James Wm. Moore, et al., *Moore's Federal Practice*, § 32.61[2][b][i] (3d ed. 2000) (The "expression, 'in fairness,' under Rule 32(a)(6) embodies, the common law rule of completeness, which is similarly codified -- in Federal Rule of Evidence 106."). However, the Federal Rules "do[] not require introduction of portions of a statement that are neither explanatory of nor relevant to the passages that have been admitted." *United States v. Hoffecker*, 530 F.3d 137, 192 (3d Cir. 2008) (citation omitted). Some of the excerpts designated by Defendant are equivocal statements by the witnesses relying on lapsed memory, speculation, assumptions lacking in personal knowledge, and improper opinion testimony. Such designations are unreliable or unduly prejudicial and should be excluded from trial.

Plaintiffs' Specific Objections to Defendant's Designations***October 22, 2021 Deposition of Freddie Hood***

Defendant's Designation	Plaintiffs' Objections
19:12 – 19:19	No objection.
21:23-25	No objection.
22:20-22	No objection.
23:13-14	No objection.
25:3-6	No objection.
27:18-24	Relevance (FRE 401/402)
32:16-19	No objection.
33:12 – 34:15	No objection.
42:21 – 43:15	No objection.
43:19 – 43:21	No objection.
43:25 – 45:8	No objection.
49:22 – 51:16	No objection.
51:21 – 52:3	No objection.
52:5 – 52:13	Confusing/Misleading (FRE 403) Improper Opinion Testimony (FRE 701)
52:21 – 52:22	Confusing/Misleading (FRE 403) Improper Opinion Testimony (FRE 701)
52:24 – 53:11	No objection.
54:9 – 54:22	Relevance (FRE 401/402); Beyond the Scope (FRE 106 and FRCP 32(a)(6)) Unduly Prejudicial (FRE 403) Improper Opinion Testimony (FRE 701)
65:24 – 65:25	No objection.
66:18 – 67:4	No objection.
113:4 – 113:18	No objection.
113:22 – 114:25	No objection.
115:13 – 115:23	No objection.
116:7 – 117:5	No objection.
124:9 – 124:17	No objection.
127:16 – 127:22	Speculation (FRE 602 and 701) Confusing/Misleading (FRE 403)
153:15 – 153:16	No objection.
156:3 – 156:22	No objection.
157:10 – 157:17	Improper Opinion Testimony (FRE 701) Confusing/Misleading (FRE 403) Speculation (FRE 701)
166:8 – 166:15	No objection.
166:21 – 166:22	No objection.

166:24 – 167:10	No objection.
172:3 – 172:14	No objection.
172:17 – 172:21	No objection.
172:25 – 174:4	No objection.
174:20 – 175:13	Relevance (FRE 401/402).
176:8 – 176:9 ²	Lack of Foundation Speculation (FRE 701)
176:11 – 176:15	Lack of Foundation Speculation (FRE 701)
176:17 – 176:20	Lack of Foundation Speculation (FRE 701)
189:3 – 189:16	Confusing/Misleading (FRE 403)
208:19 – 210:7	No objection.
211:5 – 212:5	No objection.
212:13 – 213:4	No objection.
240:16 – 240:25	No objection.
241:4 – 241:5	Lack of Foundation
241:7 – 241:20	Lack of Foundation
241:22 – 241:24	Leading (FRE 611(c)) (objection preserved in deposition)
242:4 – 242:5	Leading (FRE 611(c)) (objection preserved in deposition)
242:7	Leading (FRE 611(c)) (objection preserved in deposition) Improper Opinion Testimony (FRE 701)
242:10 – 242:14	Leading (FRE 611(c)) (objection preserved in deposition)
242:16 – 242:21	Leading (FRE 611(c)) (objection preserved in deposition)

² Throughout its designations and counter-designations, CoreCivic has designated counsel's question and then has separately designated the answer. Plaintiffs repeat the same objection(s) for each designation where this has occurred. Therefore, Plaintiffs' objections are fewer than may appear in this Notice.

October 5, 2021 Deposition of Terrance Lane

Defendant's Designation	Plaintiffs' Objections
5:16 – 5:21	No objection.
6:18 – 6:21	No objection.
9:9 – 10:15	No objection.
11:25 – 12:5	No objection.
15:19 – 15:25	No objection.
16:6 – 16:9	No objection.
16:12 – 17:2	No objection.
17:13 – 18:20	No objection.
18:24 – 19:7	No objection.
19:10 – 20:20	No objection.
20:22 – 21:25	No objection.
22:5 – 24:10	No objection.
24:21 – 25:12	No objection.
25:14 – 26:5	No objection.
29:4 – 30:2	No objection.
30:7 – 30:25	No objection.
31:3 – 31:19	No objection.
32:5 – 32:17	No objection.
33:2 – 33:13	No objection.
40:5 – 40:12	No objection.
40:17 – 41:6	No objection.
44:20 – 44:24	No objection.
45:3 – 45:10	No objection.
45:15 – 45:24	No objection.
46:15 – 46:16	No objection.
46:18 – 46:20	No objection.
48:6 – 49:16	No objection.
49:18 – 49:21	No objection.
49:23 – 50:4	No objection.
52:12 – 52:14	No objection.
52:17 – 53:10	No objection.
53:12 – 53:19	No objection.
53:21 – 53:23	Lack of Foundation.
54:7 – 54:20	No objection.
54:22 – 55:21	Lack of Foundation.
55:24 – 56:10	No objection.
56:12 – 56:14	No objection.
56:16 – 56:22	Confusing/Misleading (FRE 403)
57:2 – 57:3	No objection.
57:13 – 58:5	No objection.
58:8 – 58:15	No objection.
58:17 – 58:21	No objection.

Defendant's Designation	Plaintiffs' Objections
58:23 – 59:8	No objection.
59:10 – 59:15	No objection.
59:24 – 60:3	No objection.
61:20 – 62:13	No objection.
62:16 – 62:21	Lack of Foundation.
62:23 – 63:2	Lack of Foundation.
63:4 – 64:18	No objection.
65:5 – 66:9	No objection.
66:25 – 67:4	No objection.
68:3 – 68:14	No objection.
68:21 – 68:23	No objection.
68:25 – 69:3	Lack of Foundation.
69:5 – 69:16	No objection.
69:18 – 69:21	Lack of Foundation.
71:6 – 72:10	No objection.
73:2 – 74:7	No objection.
74:9 – 74:21	No objection.
74:23 – 75:14	Lack of Foundation.
75:18 – 75:20	Lack of Foundation.
79:10 – 79:12	Lack of Foundation.
79:14 – 79:21	Lack of Foundation.
79:23 – 80:17	Improper Opinion Testimony (FRE 701).
80:21 – 80:23	No objection.
80:25 – 81:5	No objection.
81:7 – 81:17	No objection.
81:23 – 82:3	No objection.
82:5 – 82:8	No objection.
82:10 – 82:11	No objection.
82:22 – 82:25	Relevance (FRE 401/402).
83:3 – 84:7	Relevance (FRE 401/402).
84:14 – 84:16	No objection.
84:24 – 84:25	Lack of Foundation
85:21 – 85:24	Hearsay (FRE 802)
86:3 – 86:7	No objection.
86:14 – 86:25	No objection.
87:7 – 87:8	Speculation (FRE 701).
87:13 – 87:14	Hearsay.
87:16	Hearsay.
87:21 – 88:15	Lack of Foundation Speculation (FRE 701) Hearsay
88:20 – 88:21	Lack of Foundation Speculation (FRE 701)
88:23 – 89:2	Lack of Foundation

Defendant's Designation	Plaintiffs' Objections
	Speculation (FRE 701)
89:4 – 89:8	Lack of Foundation Speculation (FRE 701)
97:19 – 98:17	No objection.
98:19 – 99:2	No objection.
101:15 – 102:10	No objection.
103:5 – 104:6	No objection.
106:10 – 108:11	No objection.
108:20 – 108:22	No objection.
108:24 – 109:4	No objection.
109:6 – 109:22	Lack of Foundation
133:22 – 133:24	No objection.
134:2 – 134:3	No objection.
134:5 – 134:18	No objection.
134:20 – 134:23	No objection.
134:25 – 135:9	No objection.
135:11 – 135:14	No objection.
136:4 – 136:10	No objection.
136:13 – 136:15	No objection.
136:17 – 136:21	No objection.
136:23 – 137:4	Confusing/Misleading (FRE 403)
137:20 – 137:25	No objection.
138:4 – 138:20	No objection.
139:25 – 141:3	No objection.
141:7 – 141:16	No objection.
181:19 – 183:24	Lack of Foundation No Personal Knowledge (FRE 602) Relevance (FRE 401/402)
184:6 – 184:14	Improper Opinion Testimony (FRE 701)
185:12 – 185:21	No objection.
186:8 – 186:19	No objection.
187:7 – 187:15	No objection.
190:10 – 190:15	No objection.
190:18 – 191:6	No objection.
212:17 – 216:2	No objection.
216:7 – 216:11	No objection.
216:25 – 217:12	No objection.
219:6 – 221:25	No objection.
222:4 – 224:4	No objection.
225:7 – 226:16	No objection.
231:22 – 233:4	No objection.
237:9 – 238:22	No objection.
240:17 – 241:22	No objection.
242:11 (starting with	No objection.

Defendant's Designation	Plaintiffs' Objections
"What") – 242:21	
243:2 – 243:16	No objection.
244:9 (starting with "So you") – 245:13	Lack of Foundation.
245:16 – 245:18	No objection.
247:16 – 250:23	No objection.
251:23 – 252:12	No objection.

October 18, 2018 Deposition of Charlie Peterson

Defendant's Designation	Plaintiffs' Objections
8:21 – 8:23	No objection.
11:20 – 12:19	No objection.
13:24 – 14:5	Relevance (FRE 401/402)
18:2 – 22:19	Relevance (FRE 401/402) Unduly Prejudicial (FRE 403)
23:5 – 27:3	Relevance (FRE 401/402) Beyond the Scope (FRE 106 and FRCP 32(a)(6))
28:2 (starting with "As") – 29:14	For 28:2-28:20: Relevance (FRE 401/402) Beyond the Scope (FRE 106 and FRCP 32(a)(6))
48:25 – 49:8	No objection.
49:12 – 49:17	Same as above
49:22 – 50:3	Same as above
50:18 – 51:14	Relevance (FRE 401/402)
51:18 – 51:21	Relevance (FRE 401/402)
96:4 – 99:10	No objection.
100:6 – 100:19	Lack of Foundation; Speculation (FRE 701)
101:13 – 101:18	No objection
102:8 – 102:14	Speculation (FRE 701); No Personal Knowledge (FRE 602)
102:16 – 103:11	Lack of Foundation; Speculation (FRE 701) Confusing/Misleading (FRE 403) Unduly Prejudicial (FRE 403)
103:13 – 103:15	Lawyer's questions not evidence
103:17 – 103:24	Lack of Foundation; No Personal Knowledge (FRE 602); Speculation (FRE 701); Hearsay (FRE 801)
104:3 – 105:11	Lack of Foundation;
105:14 – 105:19	Lack of Foundation; No Personal Knowledge (FRE 602)
105:21 – 106:2	Lack of Foundation; No Personal Knowledge (FRE 602)
106:4 – 106:9	No Personal Knowledge (FRE 602); Speculation (FRE 701)
106:11 – 106:13	No Personal Knowledge (FRE 602);
106:15 – 106:17	Lack of Foundation; Speculation (FRE 701)
106:20 – 109:5	Lack of Foundation; Speculation (FRE 701)
109:11 – 109:15	Lack of Foundation
109:19 – 110:4	Lack of Foundation; Speculation (FRE 701)
111:11 – 111:13	No objection.
111:21 – 114:2	No objection.
114:4 – 114:5	No objection.
126:8 – 126:10	No objection.
126:14 – 127:6	No objection.
127:12 – 127:20	No objection.
128:3 – 128:23	No objection.

Defendant's Designation	Plaintiffs' Objections
128:25 – 129:12	No objection.
129:15 – 129:16	No objection.
129:19 – 130:14	No objection.
130:16 – 131:19	No objection.
132:7 – 132:10	No objection.
132:18	No objection.
132:20 – 132:23	No objection.
134:18 – 134:21	No objection.
135:13 – 136:3	No objection.
136:20 – 136:22	No objection.
136:24 – 136:25	No objection.
137:3 – 137:18	Lack of Foundation; Speculation (FRE 701); No Personal Knowledge (FRE 602)
145:13 – 145:16	No objection
146:23 – 147:2	No objection
148:23 – 148:24	No objection
149:2 – 149:16	Lack of Foundation; Speculation (FRE 701)
149:24 – 150:3	Lack of Foundation; Speculation (FRE 701)
150:5 – 150:15	Lack of Foundation; Speculation (FRE 701)
150:17 – 150:23	No objection.
152:7 – 152:8	No objection.
152:10 – 152:12	No objection.
152:14 – 154:6	No objection.
156:25 – 157:23	No objection.
159:9 – 159:9	Completeness (FRE 106)
159:11 – 159:20	No objection
181:16 – 183:10	No objection
183:12 – 184:3	No objection
184:20 – 185:16	No objection
190:25 – 191:2	No objection
191:6 – 191:10	No objection
193:7 – 193:9	No objection
195:8 – 195:21	No objection
204:13 – 204:18	Lack of Foundation; Speculation (FRE 701)
204:20 – 204:23	Lack of Foundation; Speculation (FRE 701)
204:25 – 205:15	Lack of Foundation; Speculation (FRE 701)
206:5 – 206:11	No objection
206:20 – 206:25	Lack of Foundation; Speculation (FRE 701)
208:22 – 209:12	Lack of Foundation; Speculation (FRE 701)
216:19 – 216:22	No objection
216:25 – 218:14	No objection
218:19 – 220:23	No objection
220:25 – 221:6	Lack of Foundation; Speculation (FRE 701)

Defendant's Designation	Plaintiffs' Objections
221:8 – 221:20	Lack of Foundation; Speculation (FRE 701)
222:12 – 222:24	No objection.
223:2 – 223:10	No objection.
234:8 – 234:11	No objection.
234:13 – 234:22	No objection.
235:3-17	No objection.
235:24 – 236:3	No objection.
236:5 – 236:25	No objection.

Defendant's Counter-Designations

October 14, 2021 Deposition of Droured Blackmon

Defendant's Counter Designation	Plaintiffs' Objections
13:25 – 14:3	No objection.
14:17-19	No objection.
39:10-13	Speculation (FRE 701) Lack of personal knowledge (FRE 403)
50:8 – 51:4	No objection.
56:23 – 57:19	Improper opinion testimony (FRE 701) Lack of personal knowledge (FRE 602) Speculation (FRE 701)
66:25 – 67:15	No objection.
68:21 – 69:11	No objection.
97:13-18	Lack of personal knowledge (FRE 602) Speculation (FRE 701)
113:8-11	Lack of personal knowledge (FRE 602) Speculation (FRE 701)
116:6-11	No objection.
116:13	No objection.
133:12-23	Speculation (FRE 701)
149:25 – 150:11	Speculation (FRE 701) Lack of Foundation.
181:18 – 182:4	Speculation (FRE 701) Lack of personal knowledge (FRE 602)
185:12 – 186:15	No objection.
186:16-26	No objection.
192:21-23	No objection.
196:21 – 197:1	No objection.
198:16-18	No objection.
198:23 – 199:7	No objection.
199:15-25	No objection.

208:3-14 (Conditional pending resolution of objections to other testimony)	No objection.
210:4-7 (Conditional pending resolution of objections to other testimony)	No objection.
210:14-18 (Conditional pending resolution of objections to other testimony)	No objection.
212:8-11	Speculative (FRE 701)

November 10, 2021 Deposition of Calvin Blue

Defendant's Counter Designation	Plaintiffs' Objections
15:22 – 16:9	Relevance (FRE 401/402).
18:17-25	Relevance (FRE 401/402).
21:8-21	No objection.
45:5-10	No objection.
46:12-14	No objection.
47:17 – 48:5	Speculation (FRE 701) No Personal Knowledge (FRE 602)
48:12-17	No objection.
49:18 – 50:10	Speculation (FRE 701) No Personal Knowledge (FRE 602)
50:12-13	Speculation (FRE 701) No Personal Knowledge (FRE 602)
50:15-17	Speculation (FRE 701)
51:18-21	Speculation (FRE 701) No Personal Knowledge (FRE 602)
60:2	Lawyer question not evidence.
65:7-8	Speculation (FRE 701)
65:9-13	Speculation (FRE 701)
78:17 – 79:2	Speculation (FRE 701)
79:4-10	Speculation (FRE 701)
127:13-15	Speculation (FRE 701) Lack of Foundation
127:17	Speculation (FRE 701) Lack of Foundation
128:17-25	Speculation (FRE 701) Lack of Foundation
129:5-9	Speculation (FRE 701) Lack of Foundation
129:11-23	Speculation (FRE 701) Lack of Foundation
169:6-14	Speculation (FRE 701) Lack of Foundation

Defendant's Counter Designation	Plaintiffs' Objections
171:25 – 172:13	Speculation (FRE 701) No Personal Knowledge (FRE 602)
172:24 – 173:16	No objection.
174:24 – 175:4	No objection.
193:7-11	Lawyer question not evidence.
200:4-7	Speculation (FRE 701)
209:12-13	Speculation (FRE 701)
209:19 – 201:2	Speculation (FRE 701)
210:4-6	Speculation (FRE 701)
211:3-15	Speculation (FRE 701)
211:16-17	Speculation (FRE 701)
211:23 – 212:4	Speculation (FRE 701)
212:8-18	No objection.
244:25 – 245:3	Speculation (FRE 701) No Personal Knowledge (FRE 602)
245:5-6	Speculation (FRE 701) No Personal Knowledge (FRE 602)
245:8-10	Speculation (FRE 701) No Personal Knowledge (FRE 602)
245:11-12	Speculation (FRE 701) No Personal Knowledge (FRE 602)
245:14-16	Speculation (FRE 701) No Personal Knowledge (FRE 602)
245:18-19	Speculation (FRE 701) No Personal Knowledge (FRE 602)
247:11-13	No objection.
247:15-16	No objection.
247:18	No objection.
247:20-23	No objection.
248:13-21	No objection.
248:23-24	No objection.
249:3-4	No objection.
249:6-9	No objection.

Defendant's Counter Designation	Plaintiffs' Objections
291:12-18	Leading (FRE 611(c)) (objection preserved in deposition)
291:21 – 292:8	Leading (FRE 611(c)) (objection preserved in deposition)
292:11 – 293:6	Leading (FRE 611(c)) (objection preserved in deposition)
293:9 – 295:5	No Personal Knowledge (FRE 602)
295:8-18	Leading (FRE 611(c)) (objection preserved in deposition) No Personal Knowledge (FRE 602)
297:5-11	Speculation (FRE 701)

November 18, 2021 Deposition of Bethany Brazier

Defendant's Counter Designation	Plaintiffs' Objections
21:12-14	No objection.
43:19 – 44:5 (Conditional pending resolution of objections to other testimony)	No objection.
113:17-18	Confusing/Misleading (FRE 403) Speculation (FRE 701)
113:20-22	Confusing/Misleading (FRE 403) Speculation (FRE 701)
191:12-13	No objection.
191:15-24	No objection.
192:3-4	Lawyer question not evidence.
193:6-10	No objection.
193:22-25	No objection.
194:3-9	No objection.
197:19 – 198:13	No objection.
202:20 – 203:25	No objection.
208:17 – 209:8	No objection.

August 23, 2021 Deposition of Marquita Crawford

Defendant's Counter Designation	Plaintiffs' Objections
281:12-17	No objection.
281:23 – 282:11	No objection.
282:14-20	No objection.
293:12 – 294:5	No objection.
295:1-3	No objection.
299:22 – 300:10	Speculation (FRE 701) Lack of Foundation
302:24 – 304:12	No objection.
305:9-19	Confusing/Misleading (FRE 403) Speculation (FRE 701)
306:6-9	No objection.
307:7 – 308:11	No objection.
308:22 – 309:8	No objection.
309:15 – 310:1	No objection.
312:8-19	No objection.
330:17-21	No objection.
341:19 – 342:3	No objection.
350:17 – 351:14	Speculation (FRE 701)
354:4 (starting with “Do”) – 22	Relevance (FRE 401/402).
360:25 – 361:3	Confusing/Misleading (FRE 403) Improper Opinion Testimony (FRE 701)
393:21 – 394:12	No objection.
396:6-13	Relevance (FRE 401/402)
398:12 – 399:11	Confusing/Misleading (FRE 403) Improper Opinion Testimony (FRE 701) No Personal Knowledge (FRE 602) Unduly Prejudicial (FRE 403)

Defendant's Counter Designation	Plaintiffs' Objections
399:21 – 400:1	Lack of foundation
401:4-24	No objection.
409:14 – 410:7	No objection.
418:22 – 419:8	No objection.
427:22 – 428:19	Lack of Foundation.
430:9 – 431:4	Hearsay (FRE 802).
436:11 – 438:12	Relevance (FRE 401/402).
455:3-9	Relevance (FRE 401/402).
455:13-18	Relevance (FRE 401/402).
487:8 – 490:4	No objection.
492:8-14	No objection.
494:7-18	No objection.
497:9-20	No objection.
502:5-13	No objection.
504:9-18	Relevance (FRE 401/402).

December 3, 2021 Deposition of Juliette Drew

Defendant's Counter Designation	Plaintiffs' Objections
18:20 – 19:4	No objection.
22:9-23	No objection.
24:15-18	No objection.

October 27, 2021 Deposition of Harrell Gray

Defendant's Counter Designation	Plaintiffs' Objection
31:11-13	No objection.
213:20 – 214:6	Relevance (FRE 401/402) Improper Opinion Testimony (FRE 701)
215:15-23	No objection.
217:14-22	No objection.
220:2-6	No objection.
221:15-21	No objection.
282:3-11	Hearsay (FRE 802)

October 22, 2021 Deposition of Freddie Hood

Defendant's Counter Designation	Plaintiffs' Objection
73:21 – 74:11	No Personal Knowledge (FRE 602) Confusing/Misleading (FRE 403) Improper Opinion Testimony (FRE 701) Lack of Foundation

July 14, 2021 Deposition of Susan Huffman

Defendant's Counter Designation	Plaintiffs' Objection
90:1-18	No objection.
233:13-22	No objection.
234:1-7	Relevance (FRE 401/402).
235:4-9	Relevance (FRE 401/402).

October 5, 2021 Deposition of Terrence Lane

Defendant did not offer any independent counter-designations.

October 21, 2021 Deposition of Matthew Moya

Defendant's Counter Designation	Plaintiffs' Objection
33:7-15	No objection.
83:3-5	No objection.
83:8 – 84:3	No objection.
93:9-17	No objection.
107:14 – 108:25	Speculation (FRE 701) Confusing/Misleading (FRE 403)
108:4-8	Speculation (FRE 701) Confusing/Misleading (FRE 403)
108:10-12	Speculation (FRE 701) Confusing/Misleading (FRE 403)
108:14:18	Speculation (FRE 701) Confusing/Misleading (FRE 403)
111:11 – 112:5	Lack of Foundation Speculation (FRE 701)
143:4-12	Improper Opinion Testimony (FRE 701) Lack of Foundation Speculation (FRE 701)
200:2 (starting with "Let's) - 6	No objection.

November 2, 2021 Deposition of Charlie Peterson*Defendant did not offer any independent counter-designations.****September 30, 2021 Deposition of Troy Pollock***

Defendant's Counter Designation	Plaintiffs' Objection
213:4-9	No objection.
213:17-21	Relevance (FRE 401/402) Unduly Prejudicial (FRE 403) Confusing/Misleading (FRE 403) Improper Opinion Testimony (FRE 701)
217:6 (starting with "If") – 13	No objection.

November 2, 2021 Deposition of Michael Swinton

Defendant's Counter Designation	Plaintiffs' Objection
61:9-16	No objection.
67:16-23	No objection.
68:11-19	Speculation (FRE 701) Lack of Foundation
89:20 – 90:12	No objection.
90:14-18	No objection.
99:22 – 100:2	No objection.
100:5	No objection.
100:7-10	No objection.
100:12-16	No objection.
127:25 – 128:13	Confusing/Misleading (FRE 403)
130:15-20	Relevance (FRE 401/402) Unduly Prejudicial (FRE 403) Beyond the Scope (FRE 106 and FRCP 32(a)(6)) Improper Opinion Testimony (FRE 701)
155:20-21	No objection.
155:23-24	No objection.
156:2-12	No objection.

Defendant's Counter Designation	Plaintiffs' Objection
156:14-21	No objection.
156:23 – 157:16	No objection.
157:18-24	No objection.
183:13-14	Lack of Foundation
183:16-17	Lack of Foundation
183:19-21	Lack of Foundation
211:7-12	No objection.
211:14-18	No objection.
211:20 – 212:10	No objection.

December 1-2, 2021 Deposition of Russell Washburn

Defendant's Counter Designation	Plaintiffs' Objection
50:3-7	Relevance (FRE 401/402)
50:23 – 51:9	Speculation (FRE 701) Improper Opinion Testimony (FRE 701)
52:11-14 (ending with "currently.")	Confusing/Misleading (FRE 403)
52:18 – 54:2	Relevance (FRE 401/402).
101:5-20	No objection.
101:22 – 102:19	No objection.
152:25 – 155:14	No objection.
237:2-16	No objection.
258:9 – 259:2	No objection.
360:21 – 362:3	Improper Opinion Testimony (FRE 701) Beyond the Scope (FRE 106 and FRCP 32(a)(6))
362:22 – 363:2	No objection.
363:7 (starting with "I") – 8	No objection.
363:20 – 366:8	No objection.
366:11 (starting with "I") – 367:7	No objection.
367:9-13	No objection.
368:20 – 369:7	No objection.
375:16 – 376:20	No objection.
422:23 – 425:18	Confusing/Misleading (FRE 403) Duplicative (FRE 611(a))
425:20 (starting with "Over") – 426:16	Leading (FRE 611(c)) (objection preserved in deposition)
426:18-22	Leading (FRE 611(c)) (objection preserved in deposition) Lack of Foundation

Date: August 29, 2023.

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